UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/883,621	06/18/2001	John W. Huffman	10012116	2953

7590 02/24/2004

HEWLETT-PACKARD COMPANY
Intellectual Property Administration
P.O. Box 272400
Fort Collins, CO 80527-2400

EXAMINER	
NGUYEN, KIMBERLY D	

ART UNIT	PAPER NUMBER
2876	

DATE MAILED: 02/24/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/883,621	HUFFMAN, JOHN W.	
	Examiner	Art Unit	
	Kimberly D. Nguyen	2876	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *06 November 2003*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-20* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-20* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☒ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Response/Amendment

1. Acknowledgement is made of Response filed 6 November 2003.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 1-2, 7, 10-13, 16 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Carroll et al. (US 5,266,944; hereinafter "Carroll") in views of Lyons et al. (US 6,411,209; hereinafter "Lyons") and Bursell et al. (US 5,993,001; hereinafter "Bursell").

Carroll teaches a surveillance system comprising:

a camera 28 (fig. 1);

a detection/sensor mechanism 30, 31 to cause/activate the camera 28 in response to detection of an event of another person enters the residence 22 (fig. 1; col. 14, lines 3-23; col. 16, lines 26-35).

Although, Carroll teaches a camera 28 which takes picture(s) of person entering the residence/room 22; Carroll fails to specifically teaches or fairly suggests that the camera is digital, which takes one or more photos of a person; a face detection and selection mechanism to determine a best photo of the one or more photos of the person, the best photo including a best picture of the face of the person from which the person is most easily recognized; and a database

to store the best photo of the face of the person with at least a current date in which the best photo was taken, the database also storing a plurality of best photos of faces of people.

Lyons teaches a digital camera 114, 116 which takes one or more photos of a person; a face detection and selection mechanism to determine a best photo of the one or more photos of the person, the best photo including a best picture of the face of the person from which the person is most easily recognized (fig. 1; abstract; col. 3, lines 22-65; col. 5, line 8 through col. 6, line 13).

It would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to incorporate a digital camera with photo detection and selection mechanism for taking images of people as taught by Lyons to the teachings of Carroll in order to review and select the "best" picture/image prior to storing the image for processing thereafter (i.e., the image is processed immediately within the camera) to further provide convenience and time saving to the user/operator, and to preserve the memory space. Furthermore, such modification would have been an obvious expedient, well within the ordinary skill in the art, of providing Carroll with the latest technology of digital recording in lieu of a tape recording means.

Carroll as modified by Lyons fails to teach or fairly suggest a database to store the best photo of the face of the person with at least a current date in which the best photo was taken, the database also storing a plurality of best photos of faces of people.

Bursell teaches an imaging system, wherein the image includes legends such as, patent name, medical record number, date and time information (col. 3, lines 12-17). Bursell also teaches image data may be stored in a database (col. 7, lines 37-59).

It would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to incorporate the photo with photo date taken as taught by Bursell to the teachings of Carroll in view of Lyons in order to provide date identification to the photo to further keep track of the photos with date taken on it.

4. Claims 3 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Carroll in view of Lyons and Bursell as applied to claim 1 above, and further in view of Lee et al. (US 5,151,945; hereinafter "Lee"). The teachings of Carroll in view of Lyons and Bursell have been discussed above.

Although, Carroll teaches the detector/sensor 30, 31 may be of an optical or motion detector/sensor (col. 16, lines 32-35) to activate the camera 28 to take photo of a person entering the residence 22 (col. 14, lines 19-23); Carroll in view of Lyons and Bursell fails to teach or fairly suggest the detection mechanism comprises a video camera, such that a change in a field of view of the video camera from an earlier frame to a later frame of the video camera causes the digital camera to take one or more photos.

Lee teaches video universal motion and intrusion detection system, wherein the detection mechanism comprises a video camera 11, 12, such that a change in a field of view of the video camera to signal an alarm (fig. 1A; col. 3, lines 31-58).

It would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to integrate the video camera, such that a change in a field of view of the video camera may sound the alarm as taught by Lee to the teachings of Carroll in view of Lyons and Bursell in order to manipulate a video camera with a change in a field of view to activate the camera.

5. Claims 4-5, 14-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Carroll in view of Lyons and Bursell as applied to claim 1 above, and further in view of Clever (US 4,145,715; hereinafter "Clever"). The teachings of Carroll in view of Lyons and Bursell have been discussed above.

Carroll teaches the detection mechanism 30, 31 may be of an optical or motion detector/sensor (col. 16, lines 32-35) to cause/activate the camera 28 to take photo of a person in response to the detection of an event i.e., a person entering the residence 22 (col. 14, lines 19-23); Carroll as modified by Lyons and Bursell fails to specifically teach or fairly suggests that the detection mechanism comprising a cash register that causes to take one or more photos in response to detection of an event such as ringing up a sale to the person on the cash register.

Clever teaches a surveillance system having a camera used in conjunction with a cash register 14 at a point of sale transaction, wherein the functionality of the cash register is to ring up a sale to a person on the cash register for a transaction purpose (fig. 1; col. 1, lines 46-52; col. 2, lines 3-9; col. 2, line 66 through col. 3, line 28; col. 4, lines 40-47).

It would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to apply the detection mechanism of Carroll as modified by Lyons and Bursell to the point of sale transaction system as taught by Clever in order to obtain a clear image identification detection system in sale environment for the purpose of capturing the customer's identification and image record keeping. Such modifications would provide a clear identification of the customer for a future transaction validation. Accordingly, it would have been an obvious modification as taught by Carroll as modified by Lyons and Bursell in applying a known system to other operations.

6. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Carroll in view of Lyons and Bursell as applied to claim 1 above, and further in view of Monroe (US 6,366,311; hereinafter "Monroe"). The teachings of Carroll in view of Lyons and Bursell have been discussed above.

Carroll as modified by Lyons and Bursell is silent to the detection mechanism is a digital camera.

Monroe teaches a plurality of image sensors, which serves as detection mechanism, generating data for the aircraft navigation system, wherein image sensors are digital cameras (col. 3, lines 5-38).

It would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to incorporate the digital camera as a detection mechanism as taught by Monroe to the teachings of Carroll as modified by Lyons and Bursell in order to review and select the "best" picture/image prior to storing the image for processing thereafter (i.e., the image is processed immediately within the camera) to further provide convenience and time saving to the user/operator, and to preserve the memory space. Furthermore, such modification would have been an obvious expedient, well within the ordinary skill in the art, of providing Carroll with the latest technology of digital recording in lieu of a tape recording means.

7. Claims 8-9, 17 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Carroll in view of Lyons and Bursell as applied to claim 1 above, and further in view of Kuperstein et al. (US 6,128,398; hereinafter "Kuperstein"). The teachings of Carroll as modified by Lyons and Bursell have been discussed above.

Although, Carroll as modified by Lyons and Bursell teaches image data is stored in the memory, wherein the memory inherently contains a database to store images (col. 3, lines 55-65); Carroll as modified by Lyons and Bursell fails to teach or fairly suggests the face detection and selection mechanism at least one compresses and encrypts the best photo of the face.

Kuperstein teaches a facial image to be compressed and encrypted (figs. 1-2 and 7; col. 4, lines 20-31; col. 5, lines 35-54; col. 13, line 63 through col. 14, line 27).

It would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to incorporate the facial encryption and compression as taught by Kuperstein to the teachings of Carroll as modified of Lyons and Bursell in order to provide encryption and compression to the facial image data to further secure the data from an unauthorized personnel from accessing the data and to save hard drive space by compressing the image data.

Response to Arguments

8. Applicant's arguments filed 6 November 2003 have been fully considered but they are not persuasive.

9. In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

10. In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching,

suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988)and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, the primary reference to Carroll teaches a surveillance system having a camera and a detection mechanism to activate the camera in response to the detection of an event of a person enters a residence. The secondary reference to Lyons teaches a digital camera taking a predetermined number of image/face of individual having the best ranking, for example how much of the face is seen (the more the better), for storage purpose. Furthermore, the third reference to Bursell teaches an image system, wherein the image includes legends, such as patient name, medical record number, date and time information reside on a workstation. Therefore, the examiner believes that one of ordinary skill in the art would have recognized the advantages of combining these two references to come to the claimed invention (i.e., to provide Carroll with the updated system having the most accurate image of the operator without storing a plurality of images in the system).

11. In response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971).

Conclusion

12. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kimberly D. Nguyen whose telephone number is 571-272-2402. The examiner can normally be reached on Monday-Friday 7:30-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on 571-272-2398. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

KDN
13 February 2004

MICHAEL G. LEE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2800